

#17

**EDELL, SHAPIRO & FINNAN, LLC**  
(INTELLECTUAL PROPERTY LAW)  
1901 RESEARCH BOULEVARD, SUITE 400  
ROCKVILLE, MARYLAND 20850-3164  
TELEPHONE: (301)424-3640  
FACSIMILE (301)762-4056

**IRA EDELL**

DIRECT LINE: (240)864-2410  
E-MAIL: ice@USIPLAW.com

**CONFIDENTIAL**  
**FACSIMILE COVER SHEET**  
(Time Sensitive - Please Deliver Immediately)

Date: July 29, 2005

To: LaVerne Smith

Fax No. - 571-273-0053

From: Ira Edell

Total Pages (incl. cover) - 8

re: **Application Serial No.: 10/039,338; Appeal No. 2003-1272**

Please see attached.

A mail confirmation copy of the transmitted document will not be sent unless otherwise indicated.

**This facsimile is intended only for the addressee and may contain privileged and/or confidential information. If you have received it in error, you are hereby notified that any dissemination, distribution and/or copying of this communication is expressly prohibited; please notify the sender immediately by phone (collect), and return the entire communication to the above address.**



Attorney Docket No. 1332.0189C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the PATENT application of

Ernie L. Deacon et al.

Serial No.: 10/039,338

Appeal No. 2003-1272

Filed: October 29, 2001

For: Golf Shoe Cleat

**REQUEST FOR RE-MAILING DECISION**

Hon. Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

It is respectfully requested that the Decision On Appeal, dated June 2, 2005, be re-mailed and that a new period for responding thereto be initiated. The reasons for this request are stated below.

I, the undersigned, am Appellant's attorney of record. I did not receive the Decision On Appeal. It was late in the day on July 28, 2005, during a regular bi-monthly search on the PAIR system for the status of this case, that I first learned that there had been a decision dated June 2, 2005. I immediately undertook a search of the entire office for my firm for evidence that the decision had been received and found no such evidence. The next morning, on July 29, 2005, a telephone call was placed to the Board, and Ms. Frances Han kindly emailed a copy of the decision to me. Ms. Han indicated that in order to have the Decision re-mailed to restart the response period, it would be necessary to file this document along with evidence that the Decision On Appeal was not received.

It is the regular practice of our firm that all papers received from the USPTO must pass through the firm's docketing clerk who then enters the document and any due dates for responses into the computer docketing system.

The system keeps a record of the docket for each case and for each attorney in the firm, and since I am the only attorney responsible for the referenced case, any received papers pertaining to this case are entered into my docket.

Attached to this request are copies of our firm's docket for the subject application (3 pages) and the docket for the entire firm for matters due on August 2, 2005 (two pages), which is the due date for responding to the Decision On Appeal. It can be seen that the docket for the for the subject application shows the last received paper to be the Examiner's Answer and that there is no record of the Decision On Appeal having been received. The firm's docket for August 2, 2005 contains no item for the subject application..

It should further be noted that it would be unlikely, bordering on the impossible, for a 37-page Decision On Appeal to be lost in this firm.

In view of the foregoing it is submitted that the time for responding to the Decision On Appeal should be reset in order for Appellant to determine the proper approach for responding and to prepare the response papers.

Respectfully submitted,



Ira C. Edell  
Registration No. 24,119

EDELL, SHAPIRO & FINNAN, LLC  
1901 Research Boulevard, Suite 400  
Rockville, Maryland 20850-3164  
(301) 424-3640  
Sent By Facsimile: July 29, 2005

7/29/2005

Patent Information Print

Page: 1

Socket No 1332.0189C  
 Country United States  
 Case Type Regular  
 Relation Type Continuation  
 Filing Type National  
 Filing No  
 Attorney Ira C. Edell  
 Agent  
 Client\Division MEYERS, RODBELL & ROSENBAUM  
 Current Owner SOFTSPIKES, INC.  
 Prev Own  
 Status Filed  
 First Filing Dt 11/8/1993  
 Sub Stat  
 Sub Stat Dt  
 Parent Country  
 Parent Filing Dt 11/8/1993  
 Parent No 08/149,193  
 Parent Grant Dt  
 Total Claims  
 Ind. Claims

Serial No 10/039,338  
 Filing Dt 10/29/2001  
 Patent No  
 Grant Dt  
 Publication #  
 Publication Dt  
 Assigned  
 Expiration Dt  
 Conv Type  
 Tax Base Dt  
 Next Tax Dt  
 Associate  
 Oper Grp  
 Ag Ref No  
 Verified N  
 Customer E4PP  
 Create Dt 1/24/2002  
 Update Dt 7/17/2005  
 Update Tm 0918  
 Update User PDC  
 Update Type

\*\* Actions \*\*

Action	IDS Filed	Comp Dt	10/29/2001
Act Due Date	10/29/2001	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Info Discl. Statement	Comp Dt	10/29/2001
Act Due Date	1/29/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Filing receipt received	Comp Dt	1/31/2002
Act Due Date	1/31/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Filing Rcpt Rcvd ?	Comp Dt	1/31/2002
Act Due Date	2/28/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	First office action	Comp Dt	3/19/2002
Act Due Date	3/19/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Response to 1st office action	Comp Dt	6/19/2002
Act Due Date	6/19/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Response first OA - 1st extens	Comp Dt	7/19/2002
Act Due Date	7/19/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Reponse first OA - second exte	Comp Dt	8/19/2002
Act Due Date	8/19/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Response 1st office action fil	Comp Dt	8/19/2002
Act Due Date	8/19/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Final rejection	Comp Dt	9/24/2002
Act Due Date	9/24/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	

7/29/2005

Patent Information Print

Action	Notice of Appeal	Comp Dt	10/16/2002
Act Due Date	10/16/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Response to provoke advisory a	Comp Dt	10/16/2002
Act Due Date	11/24/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Appeal brief	Comp Dt	12/16/2002
Act Due Date	12/16/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Appeal due	Comp Dt	10/16/2002
Act Due Date	12/24/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Final rejection due	Comp Dt	10/16/2002
Act Due Date	12/24/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Office Action Rcvd?	Comp Dt	3/19/2002
Act Due Date	12/29/2002	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Appeal brief filed	Comp Dt	1/14/2003
Act Due Date	1/14/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Appeal brief - 1 month extensi	Comp Dt	1/14/2003
Act Due Date	1/16/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Examiners' Answer	Comp Dt	1/31/2003
Act Due Date	1/31/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Office Action Rcvd?	Comp Dt	9/24/2002
Act Due Date	2/19/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Reply brief - 1 month reminder	Comp Dt	2/28/2003
Act Due Date	2/28/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Request oral hearing - 1 month	Comp Dt	2/28/2003
Act Due Date	2/28/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Reply brief - final deadline	Comp Dt	3/31/2003
Act Due Date	3/31/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Oral hearing - final deadline	Comp Dt	3/31/2003
Act Due Date	3/31/2003	Resp Atty #1	
Mailing Dt		Resp Atty #2	
DeadLn Dt			
Action	Examiner Answer Rcvd?	Comp Dt	1/31/2003
Act Due Date	7/14/2003	Resp Atty #1	

/29/2005

Patent Information Print

DeadLn Dt

Action	N/Allowance Rcvd Yet?
Act Due Date	7/28/2005
Mailing Dt	
DeadLn Dt	

Comp Dt
Resp Atty #1
Resp Atty #2

Action	Small Entity Status
Act Due Date	
Mailing Dt	
DeadLn Dt	

Comp Dt
Resp Atty #1
Resp Atty #2

\*\* Inventors \*\*

Inv Name	DEACON, Ernie L.
----------	------------------

Assigned

Inv Name	MC MULLIN, F.
----------	---------------

Assigned

\*\* Title \*\*

Title	GOLF SHOE CLEAT
-------	-----------------

## Actions Due Report

7/29/2005

Action Due Date	Action	Docket Number	Ctry Code	Types	App No.	App Dt.	Attorney Client/Div
8/1/2005	Office Action Rcvd?	0120.0014C	USA		10/857,624	6/1/2004	AJA 0120
Title:	METHODS OF ELECTROPOLISHING PATTERNED SUBSTRATES						
8/1/2005	Filing Rcpt Rcvd ?	0120.0025C	USA		11/095,656	4/1/2005	AJA 0120
Title:	PROVIDING TO AROMATIC CARBOXYLIC ACID MANUFACTURING PROCESS						
8/1/2005	Status Inquiry	0370.0026TW	TAIW		92109237	4/21/2003	DAF 0370
Title:	SYSTEM AND METHOD FOR SPECTRUM MANAGEMENT OF A SHARED FREQUE						
8/1/2005	Response Due	0375.0006F	TAIW		92113098	5/15/2003	HGM 0375
Title:	VAPOR AUGMENTED HEATSINK WITH MULTI-WICK STRUCTURE						
8/1/2005	Response to provoke	0520.0002R	USA	RR	10/102,140	3/21/2002	PJF 0520
Title:	POWER FILTER CIRCUIT RESPONSIVE TO SUPPLY SYSTEM FAULT CONDI						
8/1/2005	Review USA - 9 month	0621.0690P	USA	L	60/623,242	11/1/2004	HRR 0621
Title:	PACKAGING FOR ANIMATED FIGURE						
8/1/2005	Reminder issue fee d	0633.0001C	USA		10/849,526	5/20/2004	ICE 0633
Title:	IMPROVED THERAPEUTIC BACK EXERCISE MACHINE						
8/1/2005	Office Action Rcvd?	0918.0040C	USA		09/711,177	11/13/2000	PJF 0918
Title:	METHOD AND APPARATUS FOR GENERATING AN INTERLEAVED CODE						
8/1/2005	Filing Rcpt Rcvd ?	0928.0200C	USA		11/095,670	4/1/2005	PJF 0928
Title:	METHOD FOR TESTING AN INTEGRATED SEMICONDUCTOR MEMORY WITH A						
8/1/2005	Notice Of Missing Pa	0928.0213C	USA		11/123,221	5/6/2004	PJF 0928
Title:	INTEGRATED SEMICONDUCTOR MEMORY						
8/1/2005	N/Allowance Rcvd Yet	1321.0004M	USA	RR	09/908,488	7/19/2001	SBS 1321
Title:	CONTROLLED TEMPERATURE CABINET AND METHOD						
8/1/2005	Response Due	1332.0282EU	EPC		03791606.1	8/11/2003	ICE 1332
Title:	INDEXABLE SHOE CLEAT WITH IMPROVED TRACTION						
8/1/2005	Filing Rcpt Rcvd ?	1332.0388C	USA		10/541,426	9/1/2004	ICE 1332
Title:	STUDED FOOTWEAR						
8/1/2005	10 month reminder to	2053.0007P	USA	L	60/614,459	10/1/2004	DAF 2053
Title:	ARBITRARY WAVEFORM SYNTHESIZER TO GENERATE ONE OR MORE ARBITR						
8/2/2005	Foreign filing deadl	0370.0025C4	USA	P	10/909,450	8/2/2004	DAF 0370
Title:	SIGNAL PULSE DETECTION SCHEME FOR USE IN REAL-TIME SPECTRUM						
8/2/2005	Foreign filing deadl	0370.0115C	USA		10/909,455	8/2/2004	DAF 0370
Title:	AUTOMATED REAL-TIME SITE SURVEY IN A SHARED FREQUENCY BAND E						
8/2/2005	Office Action Rcvd?	0730.0051M	USA	C	10/181,442	10/2/2002	AJA 0730
Title:	REACTIVE MAGNESIUM OXIDE CEMENTS						
8/2/2005	Response to provoke	0818.0155C	USA	D	10/379,382	3/5/2003	AJA 0818
Title:	PRODUCTION OF HOLLOW TUBES FROM POLYMER FIBERS						
8/2/2005	Response to provoke	0918.0075C	USA		09/978,186	11/13/2001	PJF 0918
Title:	METHOD AND APPARATUS FOR GENERATING A COMPOSITE SIGNAL						
8/2/2005	Office Action Rcvd?	0928.0032C	USA		10/789,994	3/2/2004	PJF 0928
Title:	METHOD FOR FORMING AN OPENING IN A LIGHT-ABSORBING LAYER ON						
8/2/2005	Reminder issue fee d	0928.0087C	USA		10/947,449	9/23/2004	PJF 0928
Title:	CIRCUIT ARRANGEMENT FOR SETTING A VOLTAGE SUPPLY FOR A TEST						
8/2/2005	Published	0928.0179C	USA		11/046,905	2/1/2005	PJF 0928
Title:	CAPACITOR WITH A DIELECTRIC INCLUDING A SELF-ORGANIZED MONOL						

## Actions Due Report

7/29/2005

Action Due Date	Action	Docket Number	Ctry Code	Types	App No.	App Dt.	Attorney Client/Div
8/2/2005	Info Discl. Statemen Title: DISTRIBUTION OF SIGNALS THROUGHOUT A SPINE OF AN INTEGRATED	0928.0197C	USA		11/118,374	5/2/2005	PJF 0928
8/2/2005	Notice Of Missing Pa Title: METHOD FOR EXPOSING A SEMICONDUCTOR WAFER	0928.0219C	USA		11/116,439	4/28/2005	PJF 0928
8/2/2005	Petition For Exam Title: METHOD AND APPARATUS FOR DETERMINING THE POSITION OF A MOBIL	1331.0012F	CANA		2,384,383	8/2/2000	PJF 1331
8/2/2005	Petition For Exam Title: METHOD AND APPARATUS FOR DETERMINING THE POSITION OF A MOBIL	1331.0014F	KORS		10-2002-7001504	8/2/2000	PJF 1331
8/2/2005	Info Discl. Statemen Title: MEMORY CELL ARRAY AND METHOD OF MANUFACTURING THE SAME	3001.0221C	USA		11/118,768	5/2/2005	PJF 3001
8/3/2005	Office Action Rcvd? Title: A HANDBAG	0271.0002D	USA	D	29/194,830	12/3/2003	HGM 0271
8/3/2005	Review USA - 11 mont Title: FLUID DELIVERY ASSEMBLY	0322.0010P	USA	L	60/606,894	9/3/2004	AJA 0322
8/3/2005	Drawings required or Title: SYSTEM FOR PURIFYING AND REMOVING CONTAMINANTS FROM GASEOUS	0506.0045C	USA		10/841,831	5/10/2004	AJA 0506
8/3/2005	Issue Fee Due Title: SYSTEM FOR PURIFYING AND REMOVING CONTAMINANTS FROM GASEOUS	0506.0045C	USA		10/841,831	5/10/2004	AJA 0506
8/3/2005	Publication Fee Due( Title: SYSTEM FOR PURIFYING AND REMOVING CONTAMINANTS FROM GASEOUS	0506.0045C	USA		10/841,831	5/10/2004	AJA 0506
8/3/2005	Reponse 2nd office a Title: CHILD ACTIVITY DEVICE	0621.0169C	USA	C	10/116,063	4/5/2002	HRR 0621
8/3/2005	PATENT RCVD YET? Title: METHOD AND APPARATUS FOR GENERATING RANDOM PERMUTATIONS	0918.0037C	USA		09/711,169	11/13/2000	PJF 0918
8/3/2005	Confirm Dsgnt'd Ctry Title: EMBEDDED CHANNEL ANALYSIS FOR RF DATA MODEM	0918.0241I	PCT		PCT/US05/15311	5/3/2005	PJF 0918
8/3/2005	Notice Of Missing Pa Title: METHOD FOR PRODUCTION OF TRENCH DRAM CELLS AND A TRENCH DRAM	0928.0220C	USA		11/117,712	4/29/2005	PJF 0928
8/3/2005	Reminder issue fee d Title: FOOTWEAR CLEAT (PIVOT)	1332.0307D	USA	D	29/196,768	1/6/2004	ICE 1332
8/3/2005	Office Action Rcvd? Title: ELECTRICAL CONTACTING METHOD	1633.0133C	USA		10/859,114	6/3/2004	PJF 1633
8/3/2005	Office Action Rcvd? Title: SPINDLE MOTOR	1988.0007C	USA	C	10/859,155	6/3/2004	PJF 1988
8/3/2005	Notice Of Missing Pa Title: MEMORY CELL ARRAY AND METHOD OF MANUFACTURING THE SAME	3001.0221C	USA		11/118,768	5/2/2005	PJF 3001